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Mr. C. V. Venkataramana Ayyangar :—" As regards subdivision (ii) have the Government any objection to issue an order that political prisoners should be placed in a separate division. It should not be left to the discretion of the magistrates ?"

The hon. Mr. C. P. Ramaswami Ayyar :—" There is no separate classification as 'Political Prisoners'. The Government, however, have called the attention of all magistrates and criminal courts to the powers they possess of placing certain prisoners for imprisonment in a special division. I am sure they would exercise their powers adequately."

Mr. C. V. Venkataramana Ayyangar :—" I want the Government to consider the advisability of placing political prisoners including those imprisoned under security chapters in the special division instead of leaving them to the discretion of the magistrates."

The hon. the President :—" Since this is a suggestion for action, the hon. the Law Member need not answer unless be chooses to answer."

Mr. C. V. Venkataramana Ayyangar :—" He is not bound to answer ; but if the hon. the Law Member cares, he may do so."

Mr. C. Ramalinga Reddi :—" Sir, may I also ask the hon. the Law Member to consider the possibility of creating a special division for the political prisoners ? They are there not for any violence to person or property but because of opinions held."

The hon. Mr. C. P. Ramaswami Ayyar :—" We will consider that, Sir."

Imprisonment of certain Congress volunteers.

213 *Q*.—Mr. T. Adinarayana Chettiyar : Will the hon. the Home Member and the hon. the Law Member be pleased to state—

(*a*) how many of the Congress volunteers are still detained in prison under the Security Section of the Criminal Procedure Code for having taken part in an anti-drink campaign in Madura district ;

(*b*) whether a large number of these were arrested merely because they had declared themselves as Congress volunteers without their having ever done any overt act of even peaceful picketing ; and

(*c*) whether the Government are aware that the Provincial as well as the District Congress authorities openly and publicly stopped the picketing campaign many months ago and have not re-started it ?

A.—(*a*) At the end of December, the number of persons in jail as a result of offences committed during the Madura picketing campaign was 92. The Government do not know how many of these were Congress volunteers.

(*b*) No.

(*c*) Yes.

Rao Bahadur A. S. Krishna Rao Pantulu :—" In view of the answer given that the campaign had been stopped and that there is no prospect of re-starting it, will the Government consider the desirability of taking steps to release those in jail ? "

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The hon. Mr. C. P. RAMASWAMI AYYAR :—" I may state that the persons who are now in jail are those against whom there was sufficient evidence of acts of violence such as tripping up people and trying to brand them. It is that class of people that is in prison. I have made it also perfectly clear that if they apologized for their acts of violence, Government will consider their cases. They have not done so."

Mr. C. RAMALINGA REDDI :—" Has the attention of the hon. the Law Member been drawn to a letter issued by Mr. C. Rajagopala Chari of Salem saying that a number of these people have not been guilty of any act of violence? They were arrested simply because they declared their intention to become volunteers. Since the statement comes from such a quarter it deserves some credit, and some consideration."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" Having arrived at that conclusion, investigation was set on foot. I am sorry to say that the statement from Mr. C. Rajagopala Chariar could not be taken to be accurate."

Mr. ABBAS ALI KHAN :—" How many of these Madura volunteers were guilty of branding and tripping up people? I suppose none."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" That is our information."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" May I know, Sir, why these people are sent to jail under security section, if these people are guilty of actual violence?"

The hon. Mr. C. P. RAMASWAMI AYYAR :—" That is within the discretion of the Magistrate, Sir."

Mr. ABBAS ALI KHAN :—" One of them is a relation of Mr. Sadasiva Ayyar, Sir. How many of these were guilty of actual violence?"

The hon. Mr. C. P. RAMASWAMI AYYAR :—" I am afraid I cannot answer this question. These men, I may say, would not have been where they are if they had not committed deeds of violence."

Mr. ABBAS ALI KHAN :—" Sir, has the attention of the hon. the Law Member been drawn to the words of the convicting Magistrate that these men were not actually guilty of violence?"

The hon. Mr. C. P. RAMASWAMI AYYAR :—" I am not responsible for the sentence in the Magistrate's judgment."

Mr. C. V. VENKATARAMANA AYYANGAR :—" Sir, the hon. the Law Member has said that he is not responsible for the judgment of the Magistrate. I suppose the Government here is saying that these volunteers have done acts of violence when their own Magistrate says they have not."

The hon. Mr. C. P. RAMASWAMI AYYAR :—" I hold that Government is not bound by any sentence in the Magistrate's judgment. It is an obiter dictum. The judgment of any learned judge binds no one. It does not bind the Government, nor does it bind himself."

Mr. ABBAS ALI KHAN :—" Has the Government read the judgment?"

The hon. Mr. C. P. RAMASWAMI AYYAR :—" Government have read the judgment."